

Customer No.: 26308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Benway, Randy
Serial No.: 10/816,458
Filed: 1 April 2004
For: Hearing Protection Device

Group No.: 2837
Examiner: Luks, Jeremy Austin



**Response under 37 CFR 1.116
Expedited Procedure
Examining Group: 2837**

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of September 20, 1985 (1059 O.G. 19-20).

AMENDMENT OR RESPONSE AFTER FINAL REJECTION - TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 CFR 1.116) for this application.

NOTE: Response to Final Rejection - Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the Final Rejection." Notice of November 30, 1990 (122 O.G. 571 to 591).

STATUS

2. Applicant is

☒ a small entity
☐ other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date: 25 October 2006

Linda S. Wenzel

Type or print name of person mailing paper

Linda S. Wenzel

(Signature of person mailing paper)

10/30/2006 CNGUYEN 00000009 10816458

01 FC:2809

395.00 OP

EXTENSION OF TERM

NOTE: *"Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply
(complete (a) or (b) as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1) - (a)(5)) for the total number of months checked below:

	Extension (months)	Fee for other than Small Entity	Fee for Small Entity
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1590.00	\$ 795.00

Fee: \$ _____

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ ____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Submission Fee Under 37 CFR 1.129(a)

- ☒ Small Entity: \$395.00
☐ Other than a Small Entity \$790.00

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

	Claims Re- maining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee (Small Entity)	Additional Fee (Large Entity)
Filing a Submission After Final Rejection (37 CFR 1.129(a))					\$395	\$790
Total Claims (37 CFR 1.16(i))*	13	-20 =	(7)	x \$25.00	\$0	\$0
Independent Claims (37 CFR 1.16(h))**	3	-3 =	0	x \$ 100.00	\$0	\$0
First Presentation of Multi- ple Dependent claim(s) if any (37 CFR 1.16(j))				\$180.00	\$0	\$0
Total Additional Fee					\$0	\$0

* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR S 1.116(a) (emphasis added).

(complete (c) and (d) as applicable)

(d) ☐ Total additional filing fee required \$ _____
 (e) ☐ Extension of Time, if required \$ _____

TOTAL FEE DUE **\$ 395.00**

FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 395.00.
- ☐ Charge Account No. _____ the sum of \$ _____.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. [x] If any additional extension and/or fee is required, charge Account No. 06-2360.

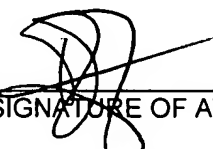
AND/OR

[x] If any additional fee for claims is required charge Account
No. 06-2360

Reg. No.: 46,204

Tel. No.: (262) 783 - 1300

Customer No.: 26308



SIGNATURE OF ATTORNEY

Daniel R. Johnson

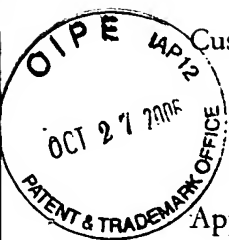
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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Benway, Randy

Docket No.: 1213.18584

Serial No.: 10/816,458

Examiner: Luks, Jeremy Austin

Filed: 1 April 2004

Group Art Unit: 2837

Title: Hearing Protection Device

AMENDMENT B

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated 21 August 2006, please amend the above referenced application as follows:

Amendments to the Specification begin on page 2.

Amendments to the Claims begin on page 3.

Amendments to the Drawings: None.

Remarks begin on page 6.